

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:07CR154-RJC

UNITED STATES OF AMERICA,)
)
 v.)
)
(2) KATHLEEN GIACOBBE)

**FINAL ORDER AND
JUDGMENT OF FORFEITURE**

On August 20, 2009, this Court entered a Consent Order and Judgment of Forfeiture pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b), based upon the defendant's conviction on multiple counts in the bill of indictment, including conspiracy under 21 U.S.C. § 846.

On August 28, 2009, through September 26, 2009, the United States published via www.forfeiture.gov, notice of this forfeiture and of the intent of the government to dispose of the forfeited property according to law, and further notifying all third parties of their right to petition the Court within sixty days from August 28, 2009, for a hearing to adjudicate the validity of any alleged legal interest in the property. It appears from the record that no such petitions have been filed. The United States has submitted a proposed settlement with one potential third party. The government and Option One Mortgage Corporation and its successor, American Home Mortgage Servicing, Inc., (collectively, "Petitioner") have alleged a mortgage of record filed on the real property at 148 Abbey Road, Lyndon, Vermont, which is one of the properties listed in the Consent Order and Judgment, and have settled all matters regarding the interest represented and secured by that mortgage. The settlement is set forth in a Stipulated Expedited Settlement Agreement (the "Settlement Agreement") executed by the United States and Petitioner (the "Parties"). Pursuant to the Settlement Agreement, the Parties have requested that the Court enter a Final Order and Judgment of Forfeiture incorporating the Settlement Agreement to fully

adjudicate and resolve all right, title and interest of the Parties in 148 Abbey Road as part of the forfeiture herein.

It is therefore ORDERED, ADJUDGED AND DECREED:

1. That all right, title, and interest in the following property is hereby forfeited to the United States for disposition according to law:

(a) real property known as Lot A5/125 Overlook Circle, St. Johnsbury, Vermont;

(b) real property known as 148 Abbey Road, Lyndon, Vermont;

(c) all funds in the following accounts at Community National Bank, Derby, Vermont:

(i) No. xxxxx1901 in the name of K&M Online Services Inc., dba Your Online Doctor, consisting of approximately \$16,370.27.

(ii) [deleted by order filed on November 17, 2009]

(iii) No. xxxxx0501 in the name of Kathleen Giacobbe, consisting of approximately \$4255.94.

(iv) No. xxxxx1418 in the name of Kathleen Giacobbe, consisting of approximately \$62.68.

2. The Settlement Agreement between the Parties is incorporated herein. Pursuant to that agreement, Petitioner shall pay to the United States Marshals Service the sum of \$10,000.00 for expenses relating to the preservation of 148 Abbey Road, Lyndon, Vermont, and the government shall quitclaim that property to Petitioner.

Defendant has also been ordered to pay a money judgment of forfeiture for criminal proceeds in the amount of \$2 million. That money judgment is not affected by this order.

Signed: October 14, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

